

least two elements of claim 22. First, claim 22 recites "a vascular filter guide wire for directing said balloon catheter...." In contrast, Mazzocchi teaches a guide wire which does not direct a balloon catheter but is rather deployed through the lumen of a catheter or another medical device (e.g., Mazzocchi, page 37, ll. 12-14 and 22-24 and page 30, ll 14-16). It is clear that the guide wire taught by Mazzocchi does not direct a catheter. Second, claim 22 recites "a collapsible filter for manual deployment..." Such manual deployment is achieved by manual manipulation of the filter structures. In contrast, Mazzocchi teaches a filter which is automatically deployed based on the filter exiting the distal end of a catheter and automatically expanding (e.g. Mazzocchi, page 39, ll. 3-15). Since at least two elements of claim 22 are not taught by Mazzocchi, the 102(b) rejection of claim 22 is overcome and therefore should be withdrawn.

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable based on Mazzocchi. Claim 23 is dependent on claim 22. Since at least two elements of claim 22 are not taught by Mazzocchi, claim 23 is likewise not taught by Mazzocchi.

Claim 23 is rejected under 103(a) based on Mazzocchi in view of U.S. Patent No. 5,329,942 to Gunther et al. As discussed above, Mazzocchi does not teach at least two elements of claim 22. Moreover, Gunther does not teach "a vascular filter guide wire, for detecting said balloon catheter..." Indeed, Gunther is not directed to filter a guide wire but rather to a vena caval filter. Therefore, a guide wire is not addressed by Gunther. Moreover, claim 23 recites "an elongated flexible core wire.... for insertion and steerage through a patient's vasculature..." The Gunther vena caval filter (similar to the Mazzocchi filter) is deployed through the lumen of a catheter (e.g., Gunther, col. 2, ll. 21-29 and col. 6, ll. 44-46). Thus, both Mazzocchi and Gunther require additional lumens beyond those associated with a steerable guide wire. The extra wires create added complexity for the operator.

Furthermore, the use of an additional catheter (e.g., a balloon catheter) and stent devices involving the same procedure could not be achieved with filter protection in place. As a result, both Mazzocchi and Gunther teach away from a steerable guide wire "for directing said balloon catheter" and "for insertion and steerage through a patient's vasculature" (Claim 22 and 23). Since several elements of claim 23 are not taught by either Mazzocchi or Gunther, a 103 rejection is improper. Applicants consequently request that this rejection be withdrawn.

Each and every point raised in the Office dated October 8, 2002 has been addressed on the basis of the above amendments and remarks. Reconsideration and withdrawal of the rejections are respectfully requested. In addition, applicants submit that claims 22 and 23 are in condition for allowance and respectfully request that the present application be applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

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Serial No. 09/887,978
Response to Office Action dated 10/8/02
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PATENT TRADEMARK OFFICE

Docket No: 1780/1D144US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William Gray; Richard A. Gambale

Serial No.: 09/887,978

Art Unit:

Confirmation No.: 9044

Filed: June 22, 2001

Examiner:

For: TEMPORARY VASCULAR FILTER GUIDE WIRE

Mark-Up Accompanying Response to Office Action

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

February 10, 2003

Sir:

IN THE CLAIMS:

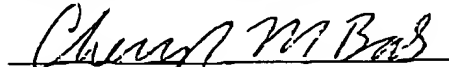
23. (Amended) A catheter system according to claim 22 wherein said vascular filter guide wire includes:

an elongated flexible core wire having a proximal end and a distal end for insertion and steerage through a patient's vasculature to a position downstream of said lesion;

a tubular flexible shaft slidably disposed along said core wire, said shaft including a proximal portion and a distal portion disposed inwardly from said core wire distal end for placement downstream of said lesion; and

[a] said collapsible filter coupled at one end to said shaft and at its other end to said core wire, said filter operable in response to relative displacement between said shaft and said core wire, to radially extend outwardly within said vasculature and trap particulate matter arising from the treatment of said lesion.

Respectfully submitted,



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